

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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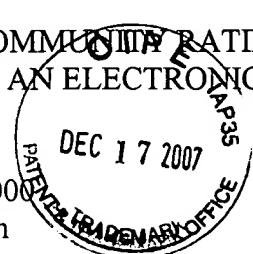
Appellants: Robert J Ratterman et al.

Title: DETERMINING A COMMUNITY RATING FOR A USER USING FEEDBACK RATINGS OF RELATED USERS IN AN ELECTRONIC ENVIRONMENT

Docket No.: 2043.002US1

Filed: February 14, 2000

Examiner: Beth Van Doren



Serial No.: 09/503,960

Due Date: December 15, 2007

Group Art Unit: 3623

MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

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Appellants' Reply Brief Under 37 CFR 41.41 (7 pgs.).
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S/N 09/503,960

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. 41.41

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In response to the Examiner's Answer mailed October 15, 2007, please see the remarks
below:

REMARKS

A). Discussion of the rejection of claims under 35 U.S.C. § 102(e)

Contrary to the Examiner's assertion in the Examiner's Answer, Appellants respectfully maintain that Epinions fails to show at least that claim limitation of the rejected independent claims, which requires "**aggregating one or more characteristic values associated with the particular user and one or more characteristic values associated with users referred by the particular user to the online trading community**".

1) Appellants respectfully point out that the "trusted users" of Epinions are not the "**users referred by the particular user to the online trading community**" as claimed in the rejected independent claims.

Appellants' Application provides a mechanism to provide an incentive for bringing new users into the electronic community. Referring to the Specification, page 6, lines 15-18,

"For example, a user's Community Rating may be represented by the sum of the user's Feedback Rating, the number of users the user has **referred to the online trading community**, and the Community Ratings of all users **referred**."
(Emphasis added)

Referring also to the Abstract of the Application,

"Community ratings are determined for users of an electronic marketplace. In a typical configuration, the community rating of an individual reflect the individual's reputation in the electronic community (e.g. feedback rating) as well as the reputations of the users the individual **sponsors** and the reputations of each user they **sponsor**, and so on. Various methodologies are provided for determining a community rating, such as aggregating feedback ratings, or weighting or thresholding these feedback ratings."

(Emphasis added)

When deriving a community rating for a particular user, Appellants' Application aggregates the characteristic values (e.g., the reputations) of the particular user and the characteristic values (e.g., the reputations) of the users referred to (brought to) the online trading community by the particular user.

In contrast, Epinions relates to a web site configured to allow users to present reviews of products to other users of Epinions. Optionally, those other users may provide a response indicating he/she trusts the originator of the review and may also indicate an approval level of the individual reviews themselves (e.g., "very useful"). A user's page displays who the user trusts and who trusts the user (see reference, page 9). The "web of trust" created extends only to those users that have made direct contact with the "trusted" user's opinions and vice versa. Thus, it can be seen that the "trusted users" of Epinions are not the "users referred by the particular user to the online trading community" as claimed in rejected independent claims.

Merriam-Webster's online dictionary defines "**referral, referred**" as, "**to send or direct** for treatment, aid, information, or decision *<refer a patient to a specialist>...*" (<http://www.m-w.com/dictionary/referring>, emphasis added). In Epinions, there is nothing to suggest that a user, such as Bonies7 (page 10), has referred, sent, or directed any other users to the Epinions "community." Merely "backing" another user by providing feedback on his/her review is clearly not a referral (referred) as plainly defined by Merriam-Webster's dictionary.

In the "response to arguments 1) and 2)" part of the Examiner's Answer on page 17, the Examiner states,

"The claims recite 'one or more users referred by the particular user to the online trading community'. To refer, based on the broadest reasonable interpretation of the term, is to direct to or **to make mention or reference**. In Epinions, users are 'referred' by a particular user to the community of the user in that the particular user **references and mentions** other users as a user that the particular user trusts (such as shown on page 9). This link or relationship directs the user to the overall or group and the particular user makes reference to the user or users. In this way, the user is linked to the particular user and thus **referred or directed to the community by the particular user.**"

(Emphasis added)

The Examiner appears to indicate that the "trusted users" of a particular user of Epinions are the users referred or directed to the online trading community by the particular user. Appellant disagrees, and submits that, in Epinions, the other users **mentioned** "as a user that the

particular user trusts" are not the "users referred by the particular user to the online trading community", as claimed in the rejected independent claims.

Appellants' claimed invention and the Epinions mechanism are for different purposes and adopt different approaches. The "trusted users" (other users **mentioned** "as a user that the particular user trusts" of Epinions) of Epinions are merely users who provide responses to a review of products made by an originator and indicate their trust in the originator of the review. The "trusted users" of the particular user of Epinions are not equal to the users in the rejected independent claims which were referred to (brought into, or sponsored in) the online trading community by the particular user, because Epinions does not show that the "trusted users" were brought into the community by the particular user, and it is possible for the "trusted user" to have been brought into the Epinions' community by someone other than the particular user.

Appellants disagree with the interpretation of "referred" in the Examiner's Answer. From Merriam-Webster's online dictionary, as mentioned above, and the context throughout the present Application, it can be seen that "users referred by the particular user to the online trading community" of the claimed Application indicate users who are brought into the online trading community, rather than those users who are merely mentioned by the particular user "as a user that the particular user trusts", as indicated by the Examiner. Appellants' claimed invention and Epinions are for different purposes and adopt different approaches. Appellants' claimed invention provides an incentive for bringing new users into the electronic community, and encourage existing members to refer new members thereby increasing community registrations and the pool of potential trading partners. See the Specification, page 6, lines 8-20, and the Abstract. In contrary, in Epinions, it is possible that a user who is mentioned as a "trusted user" by a particular user has already registered in the community by himself/herself, or has been brought into the community by someone other than the particular user.

In short, Epinions does not disclose the "**users referred by the particular user to the online trading community**" as claimed in rejected independent claims.

2) Appellants maintain that Epinions does not discloses the limitation "**aggregating characteristic values associated with one or more users referred by the particular user to the online trading community**" as required in the rejected independent claims.

Epinions neither uses nor takes into account **characteristic values of the "trusted users"**

when deriving the particular user's community rating. Further, as argued previously, the **"trusted users"** of the particular user of Epinions are not the same as the **"users referred by the particular user to the online trading community"** as claimed in the rejected independent claims. Thus, Appellants maintain that Epinions does not disclose deriving a community rating for a particular user by **aggregating** the one or more characteristic values associated with the particular user and **the one or more characteristic values associated with one or more users referred by the particular user to the online trading community**.

In the "response to arguments 3) and 4)" part of the Examiner's Answer on page 18, the Examiner states,

"Epinions.com obtains at least one rating for the particular user based on the responses of the community to that specific user, the responses of the specific user to other members of the community, and the specific user's interaction with the community The system also combines into the rating if the specific user is considered an expert by using the opinion of the specific user (the quality and quantity of the particular user's opinions), the particular user's rating (backing) of other users' review, and the other users' reviews of the particular user's ratings."

However, the Examiner does not point out and Appellants cannot find any parts of Epinions that disclose the community rating of a particular user has any relevance with the community rating of the "trusted users" of the particular user. Nothing mentioned above in the Examiner's Answer shows that, when determining the community rating of a particular user, the Epinions mechanism cares about the characteristic values (e.g., community rating) of the **"trusted users"** of the particular user.

Accordingly, the Examiner is incorrect in concluding that Epinions discloses the limitation **"aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community"** as required in the rejected independent claims.

Therefore, for at least these reasons, claim 1 and all claims dependent therefrom are patentable over Epinions. The same arguments that apply to claim 1 are also applicable to independent claims 14, 22, 28, 40, 42, and 55 and their associated dependent claims. It is respectfully requested these rejections upon review of the panel be removed.

B). Discussion of the rejection of claims under 35 U.S.C. § 103(a)

Epinions alone or in combination with Aho does not teach or suggest each and every element of the rejected claims.

Adding what the Examiner asserts is taught in Aho or what was known in the art at the time of invention to Epinions fails to cure the previously mentioned defects of Epinions, Epinions whether alone or in view of Aho fails to render the present claims obvious. Aho discusses "trees" representing a hierachal structures (e.g., nodes, circuits, etc., see Aho reference sheet 5). However, neither Aho nor what was known in the art discloses, "*associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community*", as recited in the rejected independent claim 1.

Because independent claims 33 and 48 have substantially similar limitations to independent claim 1 and dependent claims 9-10, 46, 52 and 59 depend on independent claims with substantially similar limitations to claim 1 as discussed above, most if not all the arguments that applied to claim 1 with respect to Epinions also applies to these independent claims and their associated dependent claims. Consequently, these claims are patentable over Epinions alone or in combination with Aho.

CONCLUSION

Appellants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellants' representative at 612-373-6900 to facilitate prosecution of this application.

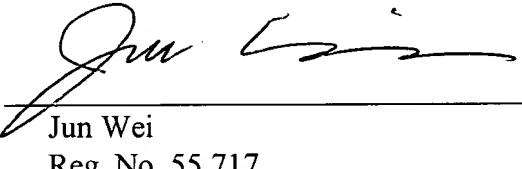
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Respectfully submitted,

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Name


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